

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

TOI L. MELVIN,

Petitioner,

v.

3:07-cr-138
3:13-cv-345

UNITED STATES OF AMERICA,

Respondent.

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and this action is **DISMISSED WITHOUT PREJUDICE**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this court hereby **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

E N T E R:

s/ Thomas W. Phillips

United States District Judge

ENTERED AS A JUDGMENT

s/ Debra C. Poplin

CLERK OF COURT